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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/749,799 | 12/28/2000 | Hiroshi Nojima | 2138/49527 | 6276 |

7590 03/23/2004

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| EXAMINER |
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CHANG, SABRINA A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3625

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,799

Applicant(s)

HIROSHI NOJIMA ET AL

Examiner

Sabrina Chang

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent

Application Publication 2003/0014318.

De La Motte et al. discloses a system and method for facilitating transactions involving the sale of goods or services. A transaction facilitator (intermediary organ) includes a transaction server subsystem connected to a global computer network, typically the Internet (electronic commerce system generally) [Para. 0024]. The system includes buyer and supplier networks made up of a plurality of buyer terminals connected to communicate with the transaction server subsystem [Para. 0025]. The system also includes a network of third-party service providers made up of a plurality of terminals, which are connected to communicate with the transaction server subsystem via the Internet [Para. 0026]. Typical third-party service providers include, but are not limited to, agents, importers, freight carriers (transport organs), credit agencies, banks (settlement organs), currency exchangers, and etc. [Para. 0026].

Preferably, each buyer, supplier and third-party service provider gains access or “membership” to the system by registering with the system operator. The system collects information regarding the identity of the participant, the party’s financial information, the goods/services in which the participant trades, etc. This information may be stored in one or

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more databases of the transaction facilitator for access by the transaction server subsystem [Para. 0029] (item information storage means for storing item information; seller information storage means for storing information about said sellers registered in said intermediary organ; settlement and transport organ information storage means for storing information about said settlement and transport organs registered in said intermediary organ).

The process begins where the buyer defines their desired product. The buyer selected components of the product configuration and product specification from a list of possible components, which are displayed on the buyer terminal [Para. 0038]. Once the product description is defined, the buyer finalizes their RFQ, request for proposal (purchase reservation), by providing additional information such as delivery date, delivery method, delivery location, country of origin, etc. [Para. 0039]. The information is transmitted from the buyer terminal to the transaction facilitator (intermediary organ), which formats the information for presentation to the suppliers [Para. 0039]. The transaction facilitator (intermediary organ) stores the RFQ in a database (purchase reservation information storage means for storing purchase reservation information from said buyer terminals) [Para. 0040]. The transaction server subsystem may send the RFQ (purchase reservation) to all suppliers or only to those suppliers who supply the product identified in the RFQ (inherently comprising regular or non-regular distribution of purchase reservation information to sellers) [Para. 0040]. In the latter case the transaction server access the supplier registration database (seller information storage means for storing information about said sellers registered in said intermediary organ; inherently comprising new item information sending means for sending, to said intermediary organ, information about new items which said

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sellers want to sell) to determine which suppliers are registered as providing the desired product [Para. 0040].

Once the RFQ (purchase reservation) has been submitted to the system, applicable suppliers respond with their bids. The transaction server subsystem (intermediary organ) receives the bids from the suppliers and stores them in a database (order reservation storage means for storing order reservation information from said seller terminals) [Para. 0045].

Once the buyer accepts the suppliers bid (inherently comprises judging means for selecting a seller terminal sending order reservation information most suitable to said purchase reservation information on the basis of said order reservation information stored in said order reservation information storage means – i.e. choosing the lowest bid), the transaction proceeds towards completion. With the approval of the buyer and supplier, the transaction facilitator (intermediary organ) may publish the completed agreement in a database (purchase confirmation and order confirmation information storage means for storing purchase confirmation and order confirmation information from buyer and seller terminals respectively) [Para. 0050].

By publishing the agreements and enabling third-party members (transport and settlement organs) to bid on providing services, the system ensures that the buyer and supplier have easy access to an existing market that might be otherwise difficult to identify [Para. 0051]. Third-party service providers (settlement and transport organs) are not able to interfere with the direct negotiations between buyers and sellers [Para. 0033]. The buyers and suppliers in agreement can select third party service providers (transport and settlement organs) based upon their bids (inherently comprising a judging means for selecting third party service providing organs which are most advantageous to buyers and sellers in agreement; inherently comprising sending means

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for sending transport or settlement commission information to selected third party service providing organs).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fraser et al., Silverman et al., Harrington et al., Rackson et al., Conklin et al. and Woolston generally disclose systems and methods for electronic management of multi-party auctions. None of these systems however disclose the selection of transport or settlement providers based upon a bidding process.


DiMattina discloses an on-line business method which enables on-line retailers to offer financial guarantee services to their customers. DiMattina does not explicitly disclose the selection of transport or settlement providers based upon a bidding process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703 308 3588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC


Jeffrey A. Smith
Primary Examiner